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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

KAWAI et al.

Atty. Ref.: 1035-291

Serial No. 09/712,227

Group: 2827

Filed: November 15, 2000

Examiner: Cuneo, K.

For: FLEXIBLE WIRING BOARD AND ELECTRICAL
DEVICE USING THE SAME

* * * * *

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

ELECTION UNDER 35 USC §121

In response to the Office Action dated February 20, 2002, Applicant elects Species A (the species of Fig. 1, claims 4-6) for further prosecution in the event no generic claim is finally held to be allowable.

In Applicant's judgment, the respective species as framed by the Examiner correspond to the existing claims as follows:

Species A Claims 4-6 (Fig. 1, flexible wiring board of Embodiment 1);

Species B Claims 4-7 and 12-17 (Fig. 2, flexible wiring board and electrical device of Embodiment 1);

Species C Claims 4-7 and 12-17 (Fig. 3, flexible wiring board and electrical device of Embodiment 2); and

Species 4 Claims 1-3 and 8-11 (Fig. 4, flexible wiring board and electrical device of Embodiment 3).

Consistent with the foregoing and as explained below, this election is made with traverse. Moreover, since a restriction requirement is never proper unless the restricted group of claims is patentably distinct (i.e., inter alia, non-obvious under 35 USC §103) from the elected group of claims, the Examiner is requested to insure that such patentable distinctness is present before proceeding to make the requirement final.

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Applicant submits that there is no relevant distinction between alleged species B (deemed by the Examiner to correspond to Fig. 2) and species C (deemed by the Examiner to correspond to Fig. 3), and thus alleged species B and species C are, in fact, the same invention. In this regard, Fig. 2 and Fig. 3 are different from each other in terms of (a) whether the copper foil adhesive layer 15 is provided or not and (b) a bending angle of the flexible wiring board. Other than this, Figs. 2 and 3 have essentially the identical structure. Both Fig. 2 and Fig. 3 have characteristics of claims 4-7 and 12-17.

Moreover, Applicant believes that claims 4-6, alleged by the Examiner to correspond to species A, are also encompassed by alleged species B and C. In this regard, Fig. 2 (alleged species B) is a drawing showing the flexible wiring board and the electrical device using the same of Fig. 1. Further, Fig. 3 also has characteristics of claims 4-6 corresponding to species A of Fig. 1

Thus, claims 4-6 belong to each of species A, B, and C.

It is respectfully requested that the non-elected claims be retained for use, if necessary, with a possible divisional application.

The Commissioner is authorized to charge the undersigned's deposit account no. 14-1140 in whatever amount is necessary for entry of this Amendment and the continued pendency of the captioned application, including but not limited to any extension of time fees.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,
NIXON & VANDERHYE P.C.

March 13, 2002

By: 

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